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EXAMINER

MANSKAR, KRISTEN

ART UNIT

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2875

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,983	Applicant(s) LANGLOIS ET AL.	
	Examiner KRISTEN A. MANSKAR	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-24 and 26-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-24 and 26-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 9-18 is withdrawn in view of the newly discovered reference(s) to illuminated bus stop assemblies. Rejections based on the newly cited reference(s) follow.

Response to Arguments

2. Applicant's arguments filed 12/31/07 have been fully considered but they are not persuasive. With respect to Applicant's argument that the Doan reference does not explicitly disclose a second user operable switch, the Applicant is respectfully advised that the Doan reference discloses a first switch (Column 3, Lines 5-10) and a second switch (31), and the added limitation of including a "user-operable switch" is an obvious duplication of parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second user operable switch since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, as agreed by the Applicant in the response to the Office Action, Doan teaches an optional control board (31) having signal lights (32) for indicating the state of various system components, and the panel may be internal to the pole and accessible through a door but not intended for operation by a member of the public. The applicant is respectfully advised that while this switching device may not be intended for use by the public, it is still user operable, if even for that of a service repair worker.

3. With respect to the dependent claims, the applicant present no arguments, except stating that such claims depend directly or indirectly from the independent claims and would be allowable when/if the independent claims are allowed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 4, 5, 6, 8, 19, 20, 22, 23, 26-28, 29, 30, 31, 33-38, and 40-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan, et al. (Patent 4,200,904), hereafter referred to as Doan.

6. With respect to claim 1, Doan discloses a vehicular stop illuminating device comprising: a power storage device (19); a solar panel to charge the power storage device (14); a first light source (22) in electrical communication with the power storage device to provide illumination to the stop; a first switch to control illumination of the first light source (Column 3, Lines 5-10); a second light source in electrical communication with the power storage device to signal a bus to stop (24) and a second switch (31) to control illumination of the second light source (Column 3, Lines 29-36; Column 4, Lines 20-23).

7. Doan does not explicitly disclose a second user operable switch.

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second user operable switch since it has been held

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that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. With respect to claims 2, 4, 8, 26-28, 34, 35, 37, and 42-44, the examiner takes Official Notice that the use of LEDs is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of Doan. One would have been motivated to do so since LEDs are recognized in the illumination art to have many desirable advantages, including reduced, size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

10. Regarding claim 5, Doan discloses a device including a display region for displaying information (28, 29).

11. With respect to claims 6, 23, 36, and 41, while Doan discloses the use of a third light source (28) in electrical communication with the power storage device, Doan does not explicitly disclose the use of a third switch to control illumination of the display region.

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a third control switch since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

13. In reference to claim 19, Doan discloses a bus stop illuminating device comprising a support structure (11); a lighting assembly mounted to the support structure and housing: a power storage device (20); a solar panel to charge the power

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storage device (14); a first light source in electrical communication with the power storage device to provide illumination to a bus stop (22); a first switch (Column 3, Lines 5-10) mounted to the support structure to control illumination of the first light source; a second light source in electrical communication with the power storage device to signal a bus to stop (24); and a second switch (31) mounted to the support structure to control illumination of the second light source (Column 3, Lines 29-36; Column 4, Lines 20-23).

14. Doan does not explicitly disclose a second user operable switch.

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second user operable switch since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

16. Regarding claim 20, Doan discloses a support structure wherein the support is a post (Figure 1).

17. With respect to claim 22, Doan discloses a device including a display region for displaying information mounted to the support structure (28).

18. In reference to claim 31, Doan discloses a stop illuminating device comprising a power storage device (20); a solar panel operably configured for charging the power storage device (14); a first light source in electrical communication with the power storage device to provide illumination to the bus stop (22); a display region for displaying information (28); a second light source in electrical communication with the power storage device to illuminate the display region (24); and a second switch to control illumination of the display region (31).

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19. Doan does not explicitly disclose a second user operable switch.

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second user operable switch since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

21. Regarding claim 38, Doan discloses an illuminating device comprising a support structure (11); a lighting assembly mounted to the support structure and housing (22, 24); a power storage device (20); a solar panel to charge the power storage device (14); a first light source in electrical communication with the power storage device to provide illumination to the bus stop (24); a first switch to control illumination of the first light source (Column 3, Lines 5-10); a second light source in electrical communication with the power storage device to signal a bus to stop (24) and a second switch (31) to control illumination of the second light source (Column 3, Lines 29-36; Column 4, Lines 20-23).

22. Doan does not explicitly disclose a second user operable switch.

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second user operable switch since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

24. Regarding claim 40, Doan discloses a lighting device in which the support structure is a post (Figure 1).

25. Doan additionally discloses a lighting device of claims 29, 30, 33, and 45, in which the first light source is operative to operated at a reduced level for a preset time after the first switch is activated (Column 3, Lines 5-10).

26. **Claims 7, 24, 32, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan in view of Guest (PC Pub 2004/0004827), hereafter referred to as Guest.

27. Doan discloses a solar powered illumination device including a protective front layer (28) and a translucent layer (Column 2, Lines 7-15).

28. Doan does not explicitly disclose a display region as comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (LED).

29. In reference to claims 7 and 24, Guest discloses a display region comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (Figure 5; Paragraph 3, ¶65, Lines 1-3) for the benefit of providing low lighting to operate for extended periods of time (¶7).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the reflective back layer and the light diffusing layer of Guest in the display device of Doan as using this design will enable the Use of a lighting device which relies on low levels of electrical power to operate the illumination device for extended periods of time (Guest; ¶7).

31. **Claims 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan in view of Warren, et al. (Patent 7,167,103), hereafter referred to as Warren.

32. With respect to claim 9, Doan discloses a lighting device (see Abstract) comprising: a solar panel (14); a power storage device (19) chargeable by the solar panel; a first light source (22) for illuminating an area adjacent to the bus stop (Figure 1); a second light source (24) to signal a bus to stop; a third light source (22); and a switch assembly electrically connected between the power storage device and the light sources to allow operation of at least one of the light sources on actuation of the switch assembly (Column 3, Lines 5-10).

33. Doan does not explicitly disclose an illuminated bus schedule device.

34. Warren discloses an illuminated bus schedule assembly that is mounted to a post having a solar cell that is capable of recharging the lighting device (see Abstract).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the bus schedule illumination of Warren in the lighting device of Doan for the benefit of being able to directly illuminate a bus schedule assembly as opposed to indirectly lighting the schedule as would occur in Doan.

36. Regarding claim 10, Doan discloses a lighting device including a head assembly for housing a solar panel (Figure 1) and a power storage device (16). The assembly of Doan additionally discloses a first and second light source and control circuitry for controlling charging of the power storage device by the solar panel (Column 3, Lines 28-36 and Column 4, Lines 20-23), and a head assembly mounted to a post.

37. Doan does not explicitly disclose an illuminated bus schedule device and all of the lighting devices and circuitry disposed in the head assembly.

38. Warren discloses an illuminated bus schedule assembly that is mounted to a post having a solar cell that is capable of recharging the lighting device (see Abstract).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the bus schedule illumination of Warren in the lighting device of Doan for the benefit of being able to directly illuminate a bus schedule assembly as opposed to indirectly lighting the schedule as would occur in Doan.

Furthermore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the disclosed head assembly, since it has been held that rearranging parts of a prior art structure involves only routine skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

40. Doan discloses a switch assembly mounted in a housing mountable to the post (Figure 1).

41. Doan does not explicitly disclose a bus schedule assembly mountable to a post.

42. Warren discloses a bus schedule assembly mountable to a post (Figure 1).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the bus schedule illumination of Warren in the lighting device of Doan for the benefit of being able to directly illuminate a bus schedule assembly as opposed to indirectly lighting the schedule as would occur in Doan.

44. With respect to claims 12 and 14, the examiner takes Official Notice that the use of LEDs is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of Doan. One would have been motivated to do so since

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LEDs are recognized in the illumination art to have many desirable advantages, including reduced, size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

45. Regarding claim 13, Doan does not explicitly disclose a third light source functioning to illuminate the bus schedule assembly by edge lighting.

46. Warren discloses a light source (340) functioning to illuminate the bus schedule assembly by edge lighting (Figure 29).

47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the bus schedule illumination of Warren in the lighting device of Doan for the benefit of being able to directly illuminate a bus schedule assembly as opposed to indirectly lighting the schedule as would occur in Doan.

48. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Doan and Warren, as applied to claim 9 above further in view of Guest .

49. Doan does not explicitly disclose a display region as comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (LED).

50. Guest discloses a display region comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (Figure 5; Paragraph 3, ¶65, Lines 1-3) for the benefit of providing low lighting to operate for extended periods of time (¶7).

51. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the reflective back layer and the light diffusing layer of

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Guest in the display device of Doan as using this design will enable the Use of a lighting device which relies on low levels of electrical power to operate the illumination device for extended periods of time (Guest; ¶7).

52. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan, Warren, and Guest as applied to claim 15 above further in view of Robbins (Patent 5,107,637) hereafter referred to as Robbins.

53. Regarding claim 16, the previous combination does not explicitly disclose a light-diffusing layer as being formed from acrylic.

54. Robbins discloses a light-diffusing layer as being formed from acrylic (Column 3, Line 63- Column 4, Line 2).

55. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the acrylic of Robbins in the previous combination as acrylic is commonly used within the art a protective, light diffusing barrier associated with a light source.

56. Regarding claim 17, the previous combination does not explicitly disclose a protective front layer as being formed of polycarbonate.

57. Robbins discloses a protective front layer as being formed of polycarbonate (Column 3, Line 63- Column 4, Line 2).

58. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the acrylic of Robbins in the previous combination as acrylic is commonly used within the art a protective, light diffusing barrier associated with a light source.

59. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Doan, Warren, as applied to claim 9 above, further in view of Westcott, et al. (Patent 6,621,177), hereafter referred to as Westcott.

60. Doan and Warren do not explicitly disclose a switch assembly comprising a plurality of touch sensitive capacitive buttons to activate the light sources.

61. Westcott discloses comprising a plurality of touch sensitive capacitive buttons to activate the light sources (Figure 1, Character 80). While the cited secondary reference does not explicitly teach a plurality of touch sensitive button to activate the light sources, would be an obvious alternative and a multiplication of parts of the previous switches claimed. Since it is held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

62. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTEN A. MANSKAR whose telephone number is (571)270-1220. The examiner can normally be reached on Monday-Friday 7:30a.m.-5p.m.

63. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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64. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAM

/Sharon E. Payne/

Primary Examiner, Art Unit 2875